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# Status of internally displaced persons and refugees from Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia

## Report of the Secretary-General

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# I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 71/290, in which the Assembly requested the Secretary-General to submit a comprehensive report at its seventy-second session on the implementation of the resolution. The report covers the period from 1 April 2017 to 31 March 2018 and draws on information received from a number of United Nations entities.

2. In accordance with the provisions of the resolution, the report focuses on: (a) the right of return of all refugees and internally displaced persons and their descendants, regardless of ethnicity; (b) the prohibition of forced demographic changes; (c) humanitarian access; (d) the importance of preserving the property rights of refugees and internally displaced persons; and (e) the development of a timetable to ensure the prompt voluntary return of all refugees and internally displaced persons to their homes.

# II. Background

3. Following an escalation of conflict in 1992–1993, which caused significant displacement of civilians, armed hostilities between the Georgian and Abkhaz sides ended with the signing in Moscow on 14 May 1994 of the Agreement on a Ceasefire and Separation of Forces (see S/1994/583 and S/1994/583/Corr.1). That agreement was preceded by the signing in Moscow on 4 April 1994 of the quadripartite agreement on the voluntary return of refugees and displaced persons (see S/1994/397), in which the parties agreed to cooperate and interact in planning and conducting activities to safeguard and guarantee the safe, secure and dignified return of people who had fled from areas in the conflict zone to the areas of their previous permanent residence. Armed hostilities between the Georgian and South Ossetian sides ended with the Sochi Agreement of 24 June 1992, which established a ceasefire between the Georgian and South Ossetian forces and the creation of the Joint Control Commission and Joint Peacekeeping Forces.

4. Following the hostilities that started in the Tskhinvali region/South Ossetia on 7 and 8 August 2008, the six-point ceasefire agreement of 12 August 2008 and the implementing measures of 8 September 2008 (see S/2008/631, paras. 7–15), international discussions were launched in Geneva on 15 October 2008, under the co-chairmanship of the United Nations, the European Union and the Organization for Security and Cooperation in Europe (OSCE) (see S/2009/69 and S/2009/69/Corr.1, paras. 5–7). According to the agreement, the international discussions were to address the issues of security and stability and the return of internally displaced persons and refugees. By the end of the reporting period, 43 rounds of the Geneva international discussions had been held, with participants meeting in two parallel working groups.

5. In June 2011, the General Assembly, in its resolution 65/288, first approved the budget for the United Nations Representative to the Geneva International Discussions. The budget of the special political mission is reviewed and renewed annually. The establishment of the mission, with an open-ended mandate, has facilitated the continued engagement of the United Nations in the Geneva process. The United Nations Representative and his team are responsible for preparing, in consultation with the other two Co-Chairs and their teams, the sessions of the Geneva international discussions.

6. The United Nations Representative and his team are also responsible for preparing, convening and facilitating the periodic meetings of the Joint Incident Prevention and Response Mechanism under United Nations auspices in Gali (see S/2009/254, paras. 5–6). By the end of the reporting period, a total of 54 meetings of

the Mechanism had been held with Georgian, Abkhaz, Russian and European Union Monitoring Mission participation. I am pleased to note that the participants in the Mechanism regularly use the hotline to share information related to security and medical assistance issues. I urge all participants to continue to regularly use the Mechanism and hotline to prevent incidents and to respond immediately to any security-related occurrences. I am hopeful that the meetings of the Joint Incident Prevention and Response Mechanism will continue to contribute to the maintenance of a stable and calm situation on the ground and to help to address and resolve issues of concern to the participants.

7. During the reporting period, participants in Working Group I of the Geneva international discussions continued to discuss the security situation on the ground. The overall security situation was assessed as relatively calm and stable. The participants in Working Group I also continued discussions on the key issues of the non-use of force and international security arrangements. In that regard, it should be noted that international obligations constraining the use or threat of force, without prejudice to the right of individual or collective self-defence, are embodied in the Charter of the United Nations and other international instruments. Despite intensive engagement by all participants, regrettably, it did not prove possible during the reporting period to finalize the draft joint statement on the non-use of force. I strongly encourage all participants in the Geneva international discussions to engage constructively, including on issues related to the non-use of force and freedom of movement, in order to make tangible progress without delay.

8. Working Group II continued to focus on the humanitarian needs of all affected populations as well as their freedom of movement, documentation and access to rights. Although the return of internally displaced persons and refugees and related issues were kept on the agenda, regrettably, there was no discussion and no progress in addressing this important matter in the rounds of the Geneva international discussions. Although all participants repeatedly expressed its importance, regrettably, "walkouts" by some participants in the Geneva international discussions under this particular agenda item have become the norm. I strongly urge all participants to reconsider and refrain from such actions and to address all their respective concerns within the context of the Geneva international discussions. I encourage all participants to constructively engage with each other and with the Co-Chairs to find creative solutions in respect of unblocking the current impasse and start discussing issues related to the rights and voluntary return of internally displaced persons and refugees. In a related matter, there was no sustainable return to areas of origin or habitual residence during the reporting period.

9. In the context of Working Group II, I am pleased to note that during the period, there were some constructive discussions followed by concrete activities on humanitarian issues, including those related to environmental protection and, in particular, the fight against the brown marmorated stink bug and other pests, and on the issue of archives. The co-moderators of Working Group II urged all participants to allow humanitarian visits to religious sites, including graveyards, by relatives of the deceased, including those who were killed during the conflicts, across administrative boundary lines throughout the year, especially during the Easter and Christmas periods.

10. I reiterate my previous calls to the participants to grant unfettered access for the Office of the United Nations High Commissioner for Human Rights to be able to assess human rights protection needs and to support related mechanisms on the ground. On 23 March 2018, the Human Rights Council adopted resolution 37/40 entitled "Cooperation with Georgia" in which, inter alia, it requested the United Nations High Commissioner for Human Rights to present an oral update to the Council on the follow-up to the resolution at its thirty-eighth session and to present a

written report on developments relating to and the implementation of the resolution at its thirty-ninth session. In accordance with a similar resolution, resolution 34/37, the United Nations High Commissioner for Human Rights presented a written report (A/HRC/36/65) to the Council at its thirty-sixth session, in September 2017.

11. Another topic of interest to participants was the continued unknown fate of persons who went missing during the conflicts. The understanding shown by participants for the plight of the families of the missing and the commitments made to engage meaningfully on the issue, in particular by supporting the work of the International Committee of the Red Cross, is commendable. Some progress was made during the reporting period in relation to the fate of the missing persons from South Ossetia through the work of a consultant recruited in the framework of the Geneva international discussions and sponsored by OSCE. While many humanitarian issues remain unresolved, the Geneva international discussions continue to offer an important opportunity for participants to engage on such issues in a constructive manner.

12. In order to allow for more informed debates, special information sessions were conducted in conjunction with the formal rounds of the Geneva international discussions, allowing participants to benefit from the experience and advice of international experts in various areas. During the reporting period, participants were once again given the opportunity to deepen their understanding on the topic "best practices and mechanisms for interaction across dividing lines and mobility", as well as on disaster risk reduction. An additional information session was organized by the United Nations at the meeting of the Joint Incident Prevention and Response Mechanism in Gali on combating crime in conflict and post-conflict environments.

13. During the reporting period, all the participants repeatedly expressed their support for and commitment to the Geneva process. While this is encouraging, the achievement of tangible progress on the main substantive issues in both working groups remains crucial to enhancing stability in the region and addressing the remaining security, humanitarian and other challenges. In that context, I once again fully support the efforts by the Co-Chairs to revitalize the Geneva process. To that end, I reiterate the need for all participants to respect and adhere to the ground rules for the Geneva rounds, including the cessation of walkouts, in order to help to create a conducive atmosphere for dialogue and practical problem-solving at the Geneva international discussions.

## III. Right of return

### A. Scope of displacement, return and local integration

14. No major changes were observed during the reporting period with regard to internally displaced persons and refugees exercising their right to return and no new significant displacements were registered. According to the database of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, as at 1 January 2018, there were 278,101 individuals registered as internally displaced persons in Georgia. The largest numbers of internally displaced persons were registered in Tbilisi and Zugdidi/Samegrelo. The generational aspects of displacement in the absence of durable solutions are of concern. According to data from the Analytical Unit of the Ministry, the number of internally displaced persons increased by 15,397 between 2014 and 2018, primarily as a result of births.

15. While internally displaced persons retain the right to return, the Government of Georgia continued its efforts to provide internally displaced persons with durable housing solutions and access to livelihood opportunities. I commend the continued

efforts of the Government to support internally displaced persons, including with housing and other assistance, as set out in the 2017–2018 Action Plan for the implementation of the State Strategy for Internally Displaced Persons. However, I am also concerned that by the end of 2017, only 41 per cent of all internally displaced person households had been provided with a durable housing solution. There remains an urgent need to continue to improve the living conditions of internally displaced persons, in both collective centres and private accommodation. In addition, there is a need for greater efforts to provide internally displaced persons with access to employment and livelihoods.

16. The authorities in control in Abkhazia continue to deny the return of ethnic Georgian internally displaced persons to locations of their origins or habitual residence that are outside of Gali, Ochamchira and Tkvarcheli districts. The Office of the United Nations High Commissioner for Refugees (UNHCR) has repeatedly sought assurances from the authorities in control with regard to returnees' rights relating to permanent residence, freedom of movement, birth registration and property ownership. More generally, the United Nations has called for the implementation of returnees' access to political rights, equal protection before the law, social security, health care, work and employment, education, freedom of thought, conscience and expression, and cultural life. In December 2016, the "Law on the Legal Status of Foreigners in Abkhazia" was amended allowing for the introduction of a "foreign resident permit", which would help ethnic Georgians living in Abkhazia to more easily exercise their rights. Pending the introduction of the "foreign resident permit", between July and December 2016, the Abkhaz authorities in control issued temporary identification documents, known as Form No. 9, to some 12,000 ethnic Georgians, allowing them freedom of movement, access to services and access to employment. Owing to the slow issuance of the "foreign resident permits" following the adoption of a decree by the Abkhaz "Cabinet of Ministers" on 30 March 2017, Form No. 9 has been repeatedly extended.

17. During the reporting period, the authorities in control in Abkhazia and the Government of Georgia allowed UNHCR to deploy the services of a second shuttle bus to transport vulnerable persons free of charge across the Inguri Bridge, the main crossing point across the Inguri River. This further enabled the elderly, persons with disabilities, vulnerable women and children to cross for family visits, medical care or other necessary purposes.

18. In Abkhazia, the internally displaced returnee population and its host communities continued to benefit from further international assistance. UNHCR constructed two bridges in Gali and Tkvarchili districts, allowing the movement of some 2,000 persons. UNHCR and its partners engaged in the rehabilitation of four schools and in livelihood and income-generating support for vulnerable internally displaced returnees, including survivors of sexual and gender-based violence and unemployed youth in the three districts of eastern Abkhazia. With support from UNHCR, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) continued its partnership with a local non-governmental organization (NGO) active in the prevention of and response to various forms of sexual and gender-based violence. I hope to see that the mission conducted by UNHCR to the isolated area of upper Kodori Valley in late 2016 is followed by further visits, as well as improved road access and provision of services, including medical care.

19. The South Ossetian authorities in control continued to allow visits to Akhalgori district for persons displaced from that area and their relatives. They are also issuing and renewing crossing documents (*propusk*) for those who are eligible. UNHCR continues to observe regular movement of people across the administrative boundary line in South Ossetia, although a number of displaced people are still deprived of such

documentation. Crossing the administrative boundary line to Akhalgori district has become more difficult, in particular for traders, following the establishment of a customs clearance post at the crossing point. I strongly urge all parties to refrain from measures that have a negative impact on the freedom of movement of the local people.

20. I appeal to all relevant stakeholders to demonstrate flexibility and openness to provide unfettered, sustained access by humanitarian organizations to South Ossetia, following the humanitarian assessment mission undertaken by UNHCR to Tskhinvali and Akhalgori districts in August 2016.

21. UNHCR remains ready to resume consultations on the return of displaced persons to Abkhazia and South Ossetia with a view to securing the safe and voluntary nature of any such movement. Moreover, further steps are needed to ease the crossing procedures not only to allow individuals to maintain contact and follow developments in their home communities, but also to make a free and informed choice as to whether to return or to integrate in areas of displacement or elsewhere.

22. Regrettably, so-called "borderization" measures along the administrative boundary lines with both South Ossetia and Abkhazia continued throughout the reporting period. These measures have reached an unfortunate new level with the closure of two main crossing points at the Abkhaz administrative border line, with a negative impact on the freedom of movement and the socioeconomic living conditions of the local population, in particular the elderly and the sick. Further obstacles to freedom of movement continue to be observed along the administrative boundary lines, including so-called "state border signs", watch posts and surveillance equipment. I am pleased that the Joint Incident Prevention and Response Mechanism meetings in Ergneti and in Gali have, in some instances, helped in negotiating the quick release of local residents who have been detained while crossing the administrative boundary lines in Abkhazia and South Ossetia, and I call upon all relevant parties to show humanitarian consideration for local residents engaging in traditional livelihood activities near and across the administrative boundary lines.

23. The primary remaining protection and reintegration challenges relate to shelter rehabilitation needs and limited livelihood opportunities. The inability to freely access fields, orchards, traditional grazing grounds, forests and markets has reduced income and employment opportunities and further limited communication and relations between families living on opposite sides. The fencing measures along the administrative boundary lines have exacerbated the already difficult living conditions of those living on both sides, including many internally displaced persons. To mitigate the most harmful impact on the survival mechanisms and livelihoods of the population, the Government of Georgia's "Interim Governmental Commission Addressing the Needs of Affected Communities in Villages along the Dividing Line" continues to mobilize State funds for investment in villages affected by fencing to develop irrigation and drinking water, road connections, education, agricultural, shelter, heating and health infrastructure.

24. Thanks to the efforts of the Government of Georgia and its international partners, the level of dissatisfaction of internally displaced persons regarding the housing offered to them has decreased. This was enabled through important measures, including improved legislation regulating the provision of housing in urban and economic centres rather than in isolated rural areas. However, there are still concerns about the selection process for recipients to ensure access for those in most need. The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia continued to develop the UNHCR-supported hotline for internally displaced persons to gain access to ministry officials remotely. Other efforts, such as continued privatization and rural housing projects, which combine the provision of shelter with agricultural land, have expanded the

housing options. However, given the total needs, the existing durable housing solutions remain limited.

25. Despite ongoing efforts to assist the internally displaced persons, given the scale of the displacement, substantial challenges concerning their integration remain. According to the Government of Georgia, more than $800 million would still be required to meet the remaining housing needs of internally displaced persons. This is the estimated cost of providing the remaining 50,000 out of 90,000 families with various types of accommodation. Despite Government efforts to provide alternative accommodation for internally displaced persons living in dilapidated collective centres, significant needs remain. For those who reside in private accommodation, living conditions are often either equally poor as or even less favourable than those found in collective centres. Moreover, internally displaced persons living in private accommodations lack housing security and often have to move owing to limited economic opportunities.

26. The provision of durable housing, while essential, is not the only aspect of integration. Socioeconomic aspects, such as sustainable livelihoods and access to quality education and medical and social services, should also be addressed. While the United Nations, together with donors and other stakeholders, continue to assist the Government of Georgia in protecting and ensuring the rights of the affected populations, acute humanitarian crises in other parts of the world have had a negative impact on the funding levels for humanitarian projects in Georgia. Moreover, further progress in integrating and improving the living conditions of internally displaced persons is becoming less a question of humanitarian response and more a matter of mainstreaming their interests in broader development efforts. While the adoption of a livelihood strategy for internally displaced persons is a welcome development, it is now crucial that their socioeconomic needs be addressed alongside those of the local population within the context of the national and regional development agenda. Given the high costs, this would also require increased State budget allocations.

27. I welcome the decision of the Government of Georgia to base assistance to internally displaced persons on needs and vulnerabilities, using a scoring system, rather than on registration in the database. This is in line with the recommendations of the former Special Rapporteur on the human rights of internally displaced persons who, during his visit to Georgia in September 2016, highlighted that "internally displaced person status" was not provided for by international law and that alternative ways of supporting internally displaced persons should be sought that allowed for the ending of internally displaced person status and the inheritance thereof, while also allowing internally displaced persons to retain their right of return. The Special Rapporteur also called for an inclusive and participatory process in implementing the gradual shift to a needs-based approach to internally displaced persons and in mainstreaming their needs in existing development initiatives. The Government of Georgia is following up on those recommendations, applying a "mixed model" of mainstreaming assistance to internally displaced persons in the social welfare system, while retaining a separate assistance programme of a blanket monthly assistance of 45 lari for each internally displaced person who has not yet benefited from a durable housing solution. I urge the Government of Georgia to redouble efforts to allocate sufficient State budget resources to development efforts that include the needs of internally displaced persons and urge the donor community to assist in providing the necessary funding and support for such displacement-sensitive development initiatives in Georgia.

28. It is estimated that more than 45,000 people have previously spontaneously returned to their homes in Gali district in Abkhazia. There has been progress in their reintegration, although important needs and protection challenges remain. Those who spontaneously returned to Abkhazia are still officially considered internally displaced

persons by the Government of Georgia and, as such, are eligible for assistance. This financial and other assistance by the Government of Georgia should not prevent the Abkhaz authorities in control from providing returnees with the proper documentation and full access to rights and services.

29. Concerns regarding limitations on basic rights, including freedom of movement, increased following the signing in 2015 of the so-called "Law on the Legal Status of Foreigners" and the "Law on Procedures of Exit from the Republic of Abkhazia and the Entry into the Republic of Abkhazia". Similar new "laws" were also introduced by the authorities in control in South Ossetia. These provide for the issuance of documentation to the population who are thereby designated as "foreign" or "stateless". The authorities in control in Abkhazia need to ensure opportunities to obtain documents to facilitate freedom of movement and access to rights and services for the ethnic Georgian returnee population in the eastern part of Abkhazia. As evidenced by the continued renewal of the Form No. 9 temporary identification document, the introduction of the "foreign resident permit" remains problematic, given that it designates a population that has resided in Abkhazia for multiple generations as "foreigners". Furthermore, it does not bestow on its holder the full range of political and housing, land and property rights and excludes a considerable number of people from obtaining the document, including potential future returnees, owing to restrictive eligibility requirements, and grounds for rejection are broad and open to interpretation.

30. In the context of freedom of movement, the lack of proper documents, the continuing "borderization" process and the closure of four of the six crossing points during the 2016–2017 period further restricted the ability of some in Abkhazia, in particular those living in the area adjacent to the aforementioned crossing points, to travel across the administrative boundary line. Persons with documentation allowing for the crossing of the administrative boundary lines now have to travel long distances to cross. The closure of the Nabakevi/Nabakia and Otobaia-2/Bgoura crossings has significantly complicated movement across the administrative boundary line, not only negatively affecting the fundamental right to freedom of movement, but also further socially isolating the ethnic Georgian population in the eastern part of Abkhazia. I reiterate my previous calls for the reopening of the closed crossing points and for the participants in the Geneva international discussions to refrain from any unilateral action that may have an adverse impact on the humanitarian situation of the affected populations and their access to rights and services.

31. While the uncertainty about the future status of the returnee population in Abkhazia continues, these returnees remain concerned about the regularization of their stay and documentation. With efforts under way to address status and documentation issues that appear to facilitate movement, notably the announced introduction of the "foreign resident permit" under the amended so-called "Law on the Legal Status of Foreigners in Abkhazia", it is important that these efforts materialize in a predictable manner in order to enhance confidence and preserve mobility across the administrative boundary line. A variety of infrastructure and livelihood initiatives financed by the international community during the reporting period had a positive impact on the humanitarian and security situation of the population in Gali district and on the reintegration prospects of returnees.

32. Additional protection and reintegration challenges remain in eastern parts of Abkhazia. While generally expressing appreciation for the assistance received, the local population continues to report a sense of insecurity, particularly about the future. Remaining specific protection concerns expressed by the returnees relate to: (a) freedom of movement, in particular the longer-term perspective, given that messages from authorities in control are perceived as not always being consistent; (b) documentation required to exercise freedom of movement, enjoy rights and gain

access to services; (c) access to education, including higher education, and language of instruction; (d) secure access to quality health care (on both sides of the administrative boundary line); (e) incidents of discrimination, including those related to documentation and taxes; and (f) denial of effective protection against crime and adequate response to sexual and gender-based violence. A significant segment of the population in Gali, Tkvarcheli and Ochamchira districts has no valid documentation. Non-issuance of proper documentation in the past eight years has had a substantial negative impact on children, whose parents were not able to obtain the necessary documents for them owing to their own lack of valid documents.

33. Since the conflict in August 2008, the United Nations has regrettably lacked operational access to South Ossetia apart from a UNHCR humanitarian assessment mission conducted in August 2016. It is critical that sustained humanitarian access be discussed and agreed with both the authorities in control and the Government of Georgia. In addition, in preparation for the rounds of the Geneva international discussions, the Co-Chairs and United Nations staff were able to visit Tskhinvali and the surrounding areas, as well as Akhalgori, and familiarize themselves with the latest developments. I strongly encourage the relevant stakeholders to help to actively facilitate unhindered regular access to South Ossetia in order to allow humanitarian and development agencies to provide assistance to the population and support the particularly vulnerable among those displaced.

## B. Institutional framework and operational measures

34. The United Nations-coordinated "Abkhaz strategic partnership framework" established among humanitarian partners remained in force during the reporting period. In addition to promoting greater confidence-building and providing humanitarian assistance to the most vulnerable population, it was also aimed at achieving durable solutions for returnees through integrated protection and assistance activities and the promotion of their rights in Gali, Ochamchira and Tkvarcheli districts. The initial focus on returnees has over the years been replaced by agency strategies and actions targeting all vulnerable populations in Abkhazia. Such efforts bring together as strategic partners, under the overall coordination of the United Nations Resident Coordinator, UNHCR, the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), UN-Women, the Food and Agriculture Organization of the United Nations and international NGOs, namely, Action Against Hunger, the Danish Refugee Council and World Vision International, as well as some additional humanitarian actors in an observer capacity. Collectively, support is provided in multiple sectors: health; livelihoods, agriculture and economic recovery; housing assistance and community infrastructure; education, youth and social services; environment; protection services, including legal assistance and prevention of and response to sexual and gender-based violence; and support for civil society.

35. The status-neutral liaison mechanism, established by UNDP in 2012 (see A/64/819, para. 13 and A/65/846, para. 21), continued to operate during the reporting period, including in facilitating the delivery of vaccines, medicine, agriculture machinery, pesticides and other forms of humanitarian assistance to Abkhazia. The effectiveness of this mechanism is in large part based on the acceptance and support by all sides for its status-neutral and human rights-based approach.

36. During the reporting period, the United Nations agencies, funds and programmes continued to respond to humanitarian needs. UNICEF continued to support improved access for the most vulnerable children, youth and mothers throughout Abkhazia to quality health care, education (including mother tongue-based multilingual education) and social services. UNICEF continued its efforts to

strengthen the regional routine immunization programme, integrated management of childhood illnesses and perinatal care, including through the provision of training for medical professionals. The training covered areas of maternal and child health care, vaccination, healthy lifestyles and emergency medical care, as well as information technology and database skills. UNICEF also continued support for rural medical points and carried out hygiene, immunization and nutrition promotion activities in rural schools. In partnership with World Vision International and local NGOs, UNICEF also continued to strengthen basic social services for vulnerable children and their families by supporting the development of social work on the community and district levels and by providing services to children living with disabilities through three child development centres in Abkhazia. UNICEF further continued its training programme for teachers in Abkhazia on student-centred teaching methodologies and life skills education and supported 28 youth clubs in Abkhazia and the neighbouring Samegrelo region to continue youth participation and development activities. In 2017, UNDP enhanced access to livelihoods and basic social services through its provision of support to small-scale farmers and enhanced access to better quality health-care and education services through community-based initiatives, reaching some 10,000 beneficiaries. In 2017, UNDP also completed the non-structural rehabilitation of the severely dilapidated Inguri Bridge connecting Georgia's Samegrelo-Zemo Svaneti region with Abkhazia, significantly improving humanitarian conditions for hundreds of thousands of travellers crossing the bridge every year.

37. Over the past years, UNDP has paid special attention to young people in returnee and conflict-affected communities and their connectivity to various international educational opportunities. In 2014–2015, in collaboration with local NGOs, UNDP created a network of seven computer-based training centres offering access to information technology and training to more than 1,100 local beneficiaries. In 2016 and 2017, UNDP supported 32 schools with information and communications technology equipment and facilitated computer skills training for teachers and students in Abkhazia. UNDP continued to support the electronic library (accessible by 3,000 students) and innovative information technology initiatives at a local university and offered young people English language classes with a certification that enabled them to access graduate and post-graduate education abroad. It also promoted student-centred methodologies in foreign language learning in rural schools and a university.

38. In Abkhazia, UNHCR, in partnership with local and international NGOs and authorities in control continued to address obstacles to sustainable return by providing one-time individual cash grants to vulnerable families, legal advice and counselling in relation to documentation issues and access to rights and services. Moreover, efforts led by UN-Women and supported by UNHCR to strengthen the prevention of and response to sexual and gender-based violence continued through medical, legal and psychosocial counselling and awareness-raising campaigns by a local NGO. UNHCR also implemented rehabilitation of community infrastructure projects, including the rehabilitation of schools and the construction of bridges to hitherto inaccessible areas, provided employment opportunities for young returnees and free transportation for a number of children to their schools and for vulnerable persons among the daily commuters over Inguri Bridge. While UNHCR as a humanitarian agency has over the years reduced its individual material assistance in Abkhazia, it remains committed to the provision of community-based forms of support, notably to enhance the protection of vulnerable persons and the rehabilitation of community infrastructure, benefiting both returnees and host communities. UNHCR will also continue to advocate for development actors to engage with funding and support for livelihood projects in both urban and rural centres and for the enhancement of public works and infrastructure.

39. The issue of freedom of movement across the administrative boundary line has security, humanitarian and human rights dimensions and remains of utmost importance to the local population. Developments during the reporting period were marked by two trends: enhanced control and limitations, and the formalization of crossings. While the so-called "treaty on alliance and strategic partnership" provides for "joint Russian-Abkhaz security forces for collective defence" and "joint law enforcement structures for fighting crime", the implementation of these measures has reportedly resulted in further restrictions and control of movement along the Inguri River, with the increased presence of and document control by Russian security forces and so-called Abkhaz "security forces".

40. In addition, so-called "borderization" measures, including the decision by the authorities in control in Abkhazia to close all but two crossing points, blockage of footpaths, increased and more systematic surveillance by Russian Federation border guards and strict detention practices were reported. The local population has been able to continue to move across the Inguri Bridge in a relatively orderly manner using the remaining crossing points. However, despite stated efforts by the Abkhaz authorities in control to provide additional transport options for persons living further away and to facilitate faster crossings across the Inguri Bridge, the distance makes it difficult to reach for the large majority of the 750 persons who on average used to cross the administrative boundary line at Nabakevi/Nabakia and Otobaia-2/Bgoura. I strongly encourage that all steps be taken by the relevant authorities to facilitate the freedom of movement and freedom of travel of all segments of the local population and allow their movement and travel in safety and dignity. In that context, I welcome the operation by UNHCR of a shuttle bus traversing the bridge for vulnerable persons and the establishment of a second shuttle bus. I call upon the relevant authorities to ease the crossing procedure where such exists for family visits, notably in the case of medical or other family emergencies, imminent death or funerals.

41. Persons in need should be able to gain access to medical attention wherever it can be offered as quickly as possible and at the highest possible standard. I call upon all stakeholders to exercise maximum care and flexibility in that regard and improve the conditions for the crossings, including through the introduction of a fast-track procedure for the vulnerable. Similarly, schoolchildren of ethnic Georgian descent should benefit from instruction in their mother tongue if so wished, and access to such instruction should be facilitated within a reasonable travel time and through the shortest possible crossing of the administrative boundary line.

42. The local population in Gali district, including returnees, remains concerned about freedom of movement, continued contact with family members and friends residing on the other side of the Inguri River and access to social infrastructure, including medical facilities and markets in Zugdidi district. The development and implementation of a crossing regime that allays those concerns remains crucial for improving the living conditions of the local population, advancing the reintegration of returnees and preventing renewed displacement. In that context, it is essential to identify and implement solutions for the provision of documentation in conformity with international law, including international human rights law, and the principles governing the prevention and reduction of statelessness. I urge all relevant parties to take pragmatic steps to solve this recurring problem without delay and allow children in particular to cross at convenient and safe locations.

43. There is a complex nexus between the individual right to voluntary, safe and dignified return and the establishment of the conditions conducive to such return. The individual's right to return, in the case of an internally displaced person, derives from his or her right to freedom of movement as stipulated in international human rights instruments. It is essential to recognize that return is both a human right and a humanitarian issue and therefore cannot be directly linked to political questions or

the conclusion of peace agreements. It must be addressed irrespective of any solution to the underlying conflict. At the same time, it is primarily for the individual to assess the risks and make an informed choice as to whether or not to return at a given time. In doing so, a displaced person must be able to take into account all factors that could affect his or her safety, dignity and ability to exercise basic human rights.

44. The United Nations is committed to assisting States in the search for durable solutions for displaced populations, and its engagement is based on the understanding that voluntary return in safety and dignity is one durable solution, the other two being local integration and resettlement. The role of the United Nations in the facilitation, design and implementation of organized return operations must be guided by the need to avoid causing harm or contributing to the exposure of persons of concern to possible human rights violations: any returns must be voluntary and conducted in safety and dignity. Therefore, activities related to organized returns must be based on a careful risk assessment, taking into consideration the existing security and human rights conditions and concerns, access to livelihoods and basic services and the voluntary nature of return. Unhindered humanitarian access and the ability of the United Nations to effectively monitor all these factors is another aspect to be taken into account.

## IV. Prohibition of forced demographic changes

45. Relevant international human rights standards should guide managed population movements, including evacuations, and thereby strictly limit forced movements, including those that result in demographic change. Principles and provisions of international law mentioned in my previous reports, as well as non-refoulement obligations governing the protection of refugees and others who flee their homes as a result of or in order to avoid the effects of armed conflict and situations of generalized violence, remain fully applicable. While no new displacement was observed during the reporting period, the demographic consequences of earlier displacement remain.

## V. Humanitarian access

### A. International legal foundations governing humanitarian access

46. The need to establish and maintain humanitarian space is essential in order to effectively meet the humanitarian needs of conflict-affected and displaced populations, to mitigate suffering and to enable United Nations agencies, funds and programmes to exercise their mandates. In that context, it remains important that all sides respect their obligations and act in good faith to fully implement the principle of humanitarian access, which is rooted in international humanitarian and human rights law. The free passage of relief goods and the facilitation of humanitarian operations are correlated to a number of human rights, including the right to life, the right to a decent standard of living and the right to protection against discrimination. Moreover, building on the practice of the United Nations human rights treaty bodies, there is growing acceptance that the obligation of States to respect, protect and fulfil human rights includes an obligation to invite, accept and facilitate international (humanitarian) assistance, in particular, if the State's resource capacities or other obstacles, such as lack of effective control of parts of the territory, limit its capacity to effectively address all humanitarian needs.

47. In the context of international conflict situations, international humanitarian law requires the establishment of conditions for rapid and unimpeded passage of all relief consignments, equipment and personnel. In non-international conflicts, States must

organize relief actions for the civilian population, without any adverse distinction. The universal acceptance of those rules has established, as a norm of customary law in both international and non-international conflicts, that parties to a conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need. Furthermore, arrangements pertaining to relief personnel must be simplified to the greatest extent possible. I therefore encourage measures to enable and facilitate such efforts, made difficult by the Georgian "Law on Occupied Territories" in its current form and by the controls and limitations imposed by the authorities in control in Abkhazia and South Ossetia in relation to the movement and presence of humanitarian agencies and their personnel.

## B. Operational challenges

48. I have noted the recent public statements by the Government of Georgia, including by the Prime Minister, that declared the intention to pursue a more open form of engagement with the populations of Abkhazia and South Ossetia. I welcome such efforts and urge the implementation of concrete proposals to that end without delay. Despite these positive developments, ambiguities in the current legislation and between the "Law on Occupied Territories" and the "State strategy on occupied territories" continue to complicate the operational environment for international and local actors involved in humanitarian, peacebuilding and other activities and constrain the development of an enabling environment for more direct and effective interaction. In the spirit of constructive engagement, I encourage the Government of Georgia to facilitate and enable such efforts, allowing for unhindered, sustainable humanitarian access and service delivery by humanitarian partners and permitting the conduct of financial and administrative transactions by these partners in the territories not under the control of the Government of Georgia.

49. The United Nations agencies, funds and programmes were able to implement protection, humanitarian assistance, recovery and development activities in Abkhazia. Ongoing humanitarian needs notwithstanding, it is widely recognized, including by the international donor community, that needs have increasingly shifted from humanitarian assistance towards early recovery activities and to the delivery of more sustainable support subject to any reversal of this trend owing to environmental factors. The United Nations Resident Coordinator is facilitating an inclusive dialogue on this matter among international donors and with relevant authorities.

50. On 30 January 2015, the authorities in control in Abkhazia communicated formally their agreement to allow the work of all international and NGOs within Gali, Ochamchira and Tkvarcheli districts and of United Nations agencies without geographical restrictions. When fully implemented, this approach allows agencies to contribute to addressing the needs of the most vulnerable in all areas of Abkhazia and is in line with international standards for the work of international agencies. It should continue to be implemented in a consistent manner.

51. The authorities in control in Abkhazia have introduced procedures requiring the local staff of United Nations agencies and international NGOs in Abkhazia to enter into discussion with the Abkhaz "security service" before crossing the administrative boundary line. This requirement has continued to limit the operational flexibility of United Nations agencies and international NGOs in Abkhazia, adding to already existing operational difficulties caused by the fact that national staff of United Nations agencies and international NGOs are not allowed access to Abkhazia. I call upon all relevant parties to ensure unimpeded access to all categories of personnel of all United Nations agencies and international humanitarian NGOs.

52. Given the need for a proper transition from humanitarian assistance through recovery to longer-term sustainable development, it is important to avoid gaps in the transition process and ensure that the remaining humanitarian needs and contingency considerations are fully met. In that regard, I reiterate my call for respect for the international principles governing humanitarian access, including unhindered movement of personnel of international organizations, for flexibility and for practical approaches and measures to be taken by all stakeholders therein. Consultations must also continue among all relevant stakeholders in order to ensure up-to-date information flow on the humanitarian needs of the population and to improve coordination.

## VI. Property rights of refugees and internally displaced persons

53. Property-related issues remained within the scope of Working Group II of the Geneva international discussions. Obstacles to resolving those issues, as well as my call to all parties to adhere to the principles on housing and property restitution for refugees and displaced persons (referred to as the "Pinheiro principles") and the underlying norms of international law, including international human rights law, as outlined in my report of 13 May 2013 (see A/67/869, paras. 58–60), remain valid. The Special Rapporteur on the human rights of internally displaced persons noted during his visit in September 2016 that internally displaced persons are entitled to restitution of, or compensation for, their lost property, regardless of whether they have chosen to return, integrate in their area of displacement or relocate elsewhere. I encourage participants in the Geneva international discussions to address housing, land and property rights in one of the proposed expert discussions.

## VII. Timetable for the voluntary return of all refugees and internally displaced persons and work towards durable solutions

54. No agreement and timetable for the voluntary return of all refugees and internally displaced persons has been developed given the prevailing environment and continued discussions among the parties. Working Group II of the Geneva international discussions was unable to deal with the issue of voluntary return owing to the continued unwillingness of some participants to discuss the matter. I reiterate that as long as the conditions for organized returns in safety and dignity are not fulfilled and mechanisms for property restitution are not established, the design of a comprehensive timetable or road map for returns must remain an open matter to be addressed. Those challenges should not prevent the parties from working towards identifying durable solutions for all displaced persons, giving particular attention to the implementation of the right of return. I reiterate my call to all participants in the Geneva international discussions to engage constructively on this issue, in accordance with international law and relevant principles, and refrain from walking out when the issue of the voluntary return of refugees and internally displaced persons is tabled in Working Group II.

55. In the absence of conditions conducive to organized return and appropriate implementation mechanisms, the United Nations agencies, funds and programmes will continue to concentrate their efforts on providing the conflict-affected populations, including returnees or persons in the process of returning, with assistance and support for their reintegration. The United Nations agencies, funds and programmes remain committed to proceeding at the appropriate time, in consultation

and cooperation with all parties concerned, with the development of a timetable or road map addressing all components outlined in my report (A/63/950).

## VIII. Conclusion

56. Over the past nine and a half years, the Geneva international discussions have remained a unique platform for participants to discuss security and stability and humanitarian issues, including in relation to the return of refugees and internally displaced persons. Despite the difficult nature of the discussions, the complexity of the issues and the divergence of the various positions of the participants, all relevant stakeholders have continued to express their appreciation for the contributions of the Geneva international discussions and the Joint Incident Prevention and Response Mechanisms in Gali and Ergneti and the humanitarian engagement by a variety of United Nations agencies, funds and programmes and other actors to the improvement of the overall security and humanitarian situation on the ground. At the same time, I share the expectations of all participants in respect of greater progress on substantive issues on the agenda of the Geneva international discussions for the benefit of all affected populations.

57. Regrettably, several key security, humanitarian, human rights and development challenges remain unresolved, including in relation to the creation of conditions conducive to the return of displaced populations. I remain concerned by the continued negative trends related to the so-called "borderization", restrictions on the freedom of movement and other unilateral actions, including those that inhibit the possible return of internally displaced persons, as well as the ability of humanitarian and developmental actors to operate freely, especially in South Ossetia.

58. I reiterate my call upon all participants in the Geneva international discussions and all relevant stakeholders to demonstrate greater political will and to undertake practical and constructive efforts to help revitalize this important process. As encouraged by the Co-Chairs, I urge all relevant stakeholders to step up efforts to make tangible progress on key security and humanitarian issues on the agenda of the Geneva international discussions, to enable the improvement of the security and human rights situation and to meet the pressing humanitarian concerns of the affected population, including internally displaced persons.

59. While I am encouraged by the stakeholders' commitment to the Geneva international discussions, I regret that despite intensive efforts by the Co-Chairs, it did not prove possible to finalize the draft joint statement on the non-use of force during the reporting period and I urge concerted good faith efforts by all participants to achieve progress in that regard. I also deeply regret recent reported cases of detentions and loss of life involving the internally displaced persons and residents living along and/or attempting to cross the administrative boundary lines in Abkhazia and South Ossetia. I join the Co-Chairs of the Geneva international discussions in urging all relevant stakeholders to use the established platforms, including the Joint Incident Prevention and Response Mechanisms in Gali and Ergneti, to ensure that these incidents are properly investigated and addressed in a timely manner to prevent their reoccurrence, de-escalate tensions and prevent impunity.

60. I therefore once again call upon all participants to uphold and deepen their engagement in the Geneva international discussions, including the Joint Incident Prevention and Response Mechanisms in Gali and Ergneti; to preserve and expand humanitarian space and respect for human rights; and to refrain from any unilateral actions that may have an adverse impact on regional peace and security and the humanitarian and development situation of affected populations and undermine the work of the Geneva international discussions. I also urge donors to continue and

strengthen their support to the multifaceted humanitarian, development, conflict prevention and confidence-building efforts.

61. In this context, I welcome the recent conciliatory, forward-looking and constructive statements by the Government of Georgia, including by the Prime Minister, regarding the need for dialogue and engagement with the residents living in the Abkhazia and South Ossetian regions and the recent legislative initiatives aimed at enhancing economic and people-to-people engagements across the dividing line. I hope that these efforts will translate into meaningful outreach and consultations with all relevant stakeholders. I also hope that these proposals will be followed by the development and implementation of concrete steps to improve the humanitarian, social and economic conditions for residents of Abkhazia and South Ossetia and to foster their contacts and exchanges in the spirit of dialogue, mutual respect and cooperation. The United Nations stands ready to support such efforts as needed.

62. As we approach the ten-year anniversary of the Geneva international discussions, I wish to reiterate my earlier call for a revitalization of the Geneva process and welcome the efforts by the Co-Chairs in that regard. I urge all participants to do their utmost to work with the Co-Chairs in order to increase the overall effectiveness of the Geneva international discussions, including in addressing issues related to the return of refugees and internally displaced persons.